

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ALEX COOK,)	CASE NO. 4:16CV1529
)	
Plaintiff,)	JUDGE JOHN R. ADAMS
)	
-vs-)	
)	
CHIEF U.S. MARSHAL, et al.,)	<u>ORDER</u>
)	
)	
Defendants.)	

Pending before the Court is Plaintiff Alex Cook's motion to strike and review this Court's dismissal entry. Doc. 16. The motion is DENIED.

On August 1, 2016, this Court dismissed Cook's complaint without prejudice. In so doing, the Court noted that Cook was challenging the calculation of his sentence and could not do so without filing a habeas corpus petition. In response now, Cook contends that he is not seeking an alteration of his sentence. Cook claims that he is exclusively seeking monetary damages. This Court previously noted in its dismissal: "Plaintiff cannot avoid the ruling in *Prieser* by seeking monetary damages instead of a reduction in his sentence. *Heck v. Humphrey*, 512 U.S. 477, 486 (1994). When a judgment in favor of a Plaintiff in a civil rights action would necessarily imply the invalidity of his conviction or sentence, the Complaint must be dismissed unless the Plaintiff can demonstrate that the conviction or sentence has already been invalidated on direct appeal or by a federal habeas corpus action. *Id.*" Doc. 12 at 3. The current motion simply reiterates the same argument resolved by *Heck* and its progeny. As this Court previously

noted, Cook's argument cannot survive legal scrutiny. Accordingly, the motion is DENIED.

This matter remains closed.

IT IS SO ORDERED.

Dated: January 10, 2017

/s/ John R. Adams
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE